

MINUTES

REGIONAL AIR QUALITY COUNCIL Thursday, May 6, 1999

MEMBERS PRESENT:

Shirleen Tucker, *CHAIRMAN*
Dennis Arfmann, *Holme Roberts & Owen*
Theresa Donahue, *City & County of Denver*
Tom Norton, *Colo. Dept. of Transportation*
Don Parsons, *DRCOG*
Sharon Votruba, *City of Thornton*
Melanie Worley, *Douglas County*

MEMBERS NOT IN ATTENDANCE:

Jane Norton, *Colo. Dept. Public Hlth & Env.* (Excused)
Jim Scherer (Excused)

OTHERS PRESENT:

Ken Lloyd, RAQC; Misty Howell, RAQC; Jerry Dilley, RAQC; Michele Majuene, RAQC; Patrick Cummins, RAQC; Annmarie Jensen, RAQC; Tom Yearout, Holme Roberts & Owen; Carol Maclennan, Tri-County Health Department; Bob Brady, Coors Brewing/AQCC; David Yamada, City of Thornton; Doug Lempke, AQCC; and Aarin Willis, Adams County.

The meeting was called to order at 3:40 p.m. A quorum was present.

Approval of the Agenda and Minutes

Don Parsons moved to accept the agenda. Seconded by Melanie Worley. Motion passed without objection.

Don Parsons moved to accept the minutes of the April 22 meeting. Seconded by Melanie Worley. The minutes will be changed to reflect Jane Norton's comment regarding the APCD staff's commitment to meeting the RAQC's time line for the CO maintenance plan. **Motion passed without objection. Sharon Votruba abstained since she was not present at the meeting.**

Public Comment

None.

Informational Items

Chairman:

Shirleen Tucker thanked staff for their work in preparing the administrative documents that Council will be discussing.

The Jefferson Foundation along with other sponsors is holding a fundraiser on May 24 at 5:00 p.m. beginning at Jackson's Hole downtown. This fundraiser is to help those affected by the Columbine Tragedy.

Executive Director:

Ken Lloyd informed Council that the CO maintenance plan subcommittee meetings have been scheduled. Discussion of oxygenated fuels will occur on May 13 at 2:00 p.m. and the inspection and maintenance program will be discussed on May 25 at 1:30 p.m.

Ken also informed Council that Berny Morson from the Rocky Mountain News met with staff earlier today to discuss ozone. He will be writing a story.

Members:

Don Parsons said the RAQC is on the Metro Mayors' Caucus agenda for the May 21 meeting. He will give an overview of the new RAQC structure and the importance of continued local government participation.

Committees:

Annmarie Jensen stated that all the bills Council supported passed in the legislature and those Council opposed failed. Ken Lloyd stated that in previous years, Council has sent a letter to the Governor recommending he sign the bills that the RAQC has supported. Council directed staff to prepare a letter for Shirleen's signature.

Amended Articles of Incorporation

Ken Lloyd distributed the amended articles of incorporation that were prepared by Tom Yearout from Holme Roberts & Owen. He explained that the current articles have more information than is required.

Tom Yearout explained he incorporated the changes from the Executive Order. He also spoke with the attorney from the Governor's office who wrote the new Executive Order.

The Articles of Incorporation will need to be updated to incorporate future changes in the Executive Order. Tom Yearout recommended a more streamlined approach to the Articles. The Bylaws are more flexible and the detailed information can be incorporated within them. Council felt that since the RAQC is a public organization more detailed Articles were appropriate.

There was discussion on Article II, Period of Duration. Option one states the duration shall be perpetual subject to dissolution by Executive Order while option two uses December 31, 2002 as the dissolution date unless extended by Executive Order. Many Council members preferred the language to be as narrow as possible. Option two would require amended Articles with any new Executive Order.

Don Parsons moved to accept the Articles of Incorporation as redrafted with option one in Article II, section 2.1. Seconded by Melanie Worley. The motion passed unanimously.

Ken Lloyd asked the Council how they wanted to revise the documents for the Clean Air Fund. Currently, the Articles do not contain the same level of detail as the RAQC's Articles. Ken stated he did not see any conflicts with the Executive Order. Dennis Arfmann and Tom Yearout will review the Clean Air Fund's Articles of Incorporation for consistency with the Executive Order. Council indicated a preference for keeping the Articles as simple as possible.

Council thanked Tom Yearout for his assistance.

Proposed Bylaw Amendments

Ken Lloyd reviewed the proposed amendments to the Bylaws. He reminded Council that under the current Bylaws, Council needs to discuss the changes at one meeting and vote on them at a future meeting.

There was discussion on the proposed changes. The Council made the following decisions.

Section 2.12 Board Decisions

To use recorded votes not roll-call, unless requested by the Chairman or any Director. Delete the language after the sentence "The Chairman or any director may call for a roll-call vote on any action."

Section 2.13 Chairman

Add language reflecting that the Chairman shall vote. Council believes it is important to know where the Chairman stands on issues.

Section 2.14 Vice-Chairman

The consensus was that Council needs a Vice-Chairman, in case the Chairman is unable to attend a meeting.

Section 2.17 Order of Business

There was discussion on whether informational items should be moved the end of the meeting. Council decided to keep it at the beginning. Council also decided to allow for a consent agenda to the order of business, when needed.

Section 2.20 Attendance by Telephone

Council decided to keep this section but add language that it is allowed only with approval of the Chairman.

Article III Officers

There was discussion on whether officers should be Council members or staff. The consensus was that staff should continue to hold these offices because they deal with the daily functions of the office.

Section 3.5 President

Council discussed the language regarding the president's authority to "...enter into and execute contracts...". Council wants to use the following procedure for contracts greater than \$5,000: the president gets authority to negotiate contracts; then provides Council with an outline of the terms for approval; and if approved, president can sign contract. Copies of the contracts should be made available to Council upon request.

Section 5.2 Checks, Drafts or Orders

Council decided that a second signature should be required on checks written over an amount to be determined. Council directed staff to review the check history so Council can make the amount determination.

1998 Audit of Financial Statements

Don Parsons moved to accept the audit. Seconded by Dennis Arfmann. The motion passed unanimously.

Don Parsons asked about the management letter that is mentioned in the audit. Staff will follow up with the auditors to obtain this letter.

Future Meeting Schedule and Locations

Council discussed rotating the location of monthly meetings throughout the region. It was determined that off-site meeting should be held when the agenda items are flexible. Council decided to initially hold meetings in areas not directly represented on the Council.

The July 1 meeting will be in Boulder and the August meeting will be in Aurora.

Council decided to hold meetings in regional locations in July, August and September and then go to a schedule of every other meeting at different locations.

RAQC Representation on External Committees

Ken distributed a list of external committee representation to Council.

Council members volunteered to be on the following committees:

DRCOG Transportation Committee - Shirleen Tucker
Ken Lloyd, alternate

DRCOG Transportation Policy Committee - Ken Lloyd

DRCOG Metro Vision Policy Committee - Dennis Arfmann

CDOT Southeast Corridor EIS Policy Advisory Committee - Melanie Worley
Ken Lloyd, alternate

RTD MIS Policy Committees - Ken will give Council an update.
Most of these studies are nearing completion.

Request from City of Arvada to Refund 1999 Contribution

Council discussed the request from Arvada. Ken Lloyd has spoken with Don Allard and they are working on setting up a meeting with Arvada City Council. Sharon Votruba indicated she has talked with several City Council members and they are receptive to meeting with RAQC members. Don Parsons said he would call Mayor Bob Frie to discuss the matter.

Council decided it was important to show good will and refund Arvada's contribution. It is equally important that Council meet with Arvada City Council to reenforce the need for their continued involvement in the RAQC process.

Tom Norton moved to refund 3/4 of Arvada's contribution and ask Arvada City Council for a meeting to discuss the issue. Seconded by Don Parsons. Motion passed without objection.

Council directed Ken Lloyd to prepare a letter with language indicating that value of Arvada's participation and a check for 3/4 of Arvada's contribution to be mailed to Craig Kocian, Arvada's City Manager.

There being no further business before the Council, the meeting was adjourned at 5:40 p.m.